IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

Chamber Summons NO.66 of 2005

In

Petition NO.392 of 2003

Wilfred Pereira ..Petitioner

V/s

Peter M. D'Costa and Anr..Applicants

Mr.P.B.Jain i/b Legal Juris for Petitioner/Applicant

None for the Respondent

CORAM:A.S.AGUIAR,J.

DATED:2nd Sept.2005

P.C.:-

1. Heard learned Advocate for the applicant in Chamber Summons. Perused the affidavit in support of Chamber Summons. From perusal of the same, it appears that the Petitioner has expired on 13-5-2005. Xerox copy of the death certificate is at Exh.B to the affidavit.

2. Deceased Petitioner had one brother Charles Pereira and one sister by name Ms Ivy Pereira, both of whom pre-dceased the deceased Petitioner. Deceased Petitioner and his deceased brother and sister were

beneficiaries under the said Will of which probate is sought. The said Charles Pereira and Ivy Pereira died intestate.

3. The death certificates of said Charles Pereira and Ivy Pereira are at Exhs C-1 and C-2 to the petition.

4. Chamber Summons is made absolute in terms of prayer clauses (a) and (b). No order as to costs.

5. Amendment to be carried out within 2 weeks.

6. Chamber summons stand disposed of.

(A.S.AGUIAR,J.)